

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COURT SECURITY OFFICERS,
ALEJANDRO ACEVEDO, FRANK FORSTER,
ANTHONY GATTO, BRIAN GILLESPIE,
TIMOTHY HERTEL, CEPHAS HUNTER,
THOMAS KAUFER, MARTA B. RIVERA,
ROBERT RUGGIERO and ANTHONY
VENTURELLA,

22 Civ. 1380 (VM)

Plaintiffs,

v.

UNITED STATES MARSHALS SERVICE,

Defendant.

STIPULATION AND [PROPOSED] ORDER OF VOLUNTARY PARTIAL DISMISSAL

WHEREAS, on or about February 2, 2018, plaintiffs United States Court Security Officers, Alejandro Acevedo, Frank Forster, Anthony Gatto, Brian Gillespie, Thomas Hertel, Cephas Hunter, Thomas Kaufer, Marta B. Rivera, Robert Ruggiero, and Anthony Venturella (collectively, “Plaintiffs”) filed a complaint (the “Complaint”) against defendant United States Marshals Service (“Defendant”) [ECF No. 1];

WHEREAS, Count One of the Complaint alleges a cause of action under the Administrative Procedure Act, 5 U.S.C. § 706 (the “APA Claim”), and Count Two of the Complaint alleges a cause of action under the Freedom of Information Act, 5 U.S.C. § 552, *et seq.* (the “FOIA Claim”); and

WHEREAS, following Defendant’s releases on August 1 and August 30, 2022 of non-exempt portions of documents responsive to plaintiff United States Court Security Officers’ April 13, 2021 FOIA request, and Defendant’s representation through counsel on August 30,


2022, that Defendant had released all responsive, non-exempt records to Plaintiffs, Plaintiffs and Defendant have entered into this "Stipulation and Order of Voluntary Partial Dismissal" to avoid the need for motion practice on Count Two of the Complaint;

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. Plaintiffs' FOIA Claim, as set forth in Count Two of their Complaint, is hereby dismissed without costs, expenses or attorney's fees to either party pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).
2. The sole unresolved claim in this action is Plaintiffs' APA Claim, as set forth in Count One of their Complaint, as to which the parties reserve all rights and defenses.
3. This Stipulation may be signed in counterparts, and facsimiles, copies, or scanned versions of signatures shall be acceptable as originals.


Dated: New York, New York
October 14, 2022

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Dated: New York, New York
October 13, 2022

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